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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,135	04/01/2004	Robert Salerno	DEET/0014	9633
7590	09/19/2008		EXAMINER	
WILLIAM B. PATTERSON			SHAW, PEILING ANDY	
MOSER, PATTERSON & SHERIDAN, L.L.P.				
Suite 1500			ART UNIT	PAPER NUMBER
3040 Post Oak Blvd.			2144	
Houston, TX 77056				
			MAIL DATE	DELIVERY MODE
			09/19/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Pre-Interview Communication</b> (For use in the First Action Interview Pilot Program)	Application No.	Applicant(s)	
	10/816,135	SALERNO ET AL.	
	Examiner PELING A. SHAW	Art Unit 2144	Page 1 of 2

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
 THE SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ONE MONTH OR THIRTY (30) DAYS,  
 WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

This time period for reply is NOT extendable under 37 CFR 1.136(a). This communication constitutes notice under 37 CFR 1.136(a)(1)(i).

To avoid abandonment of the application, applicant must, within this time period for reply, file:

- (1) A letter requesting not to have a first-action interview, or
- (2) A completed Applicant Initiated Interview Request Form (PTOL-413A) accompanied by a proposed amendment or arguments.

Inventor participation in the Pre-First Action Interview is encouraged if it would expedite resolution of the application.

#### Disposition of Claims

- 3) Claim(s) 1-3 and 8-24 is/are pending in the application.
  - 3a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 4) Claim(s) \_\_\_\_\_ is/are allowed.
- 5) Claim(s) 1-3 and 8-24 is/are rejected.
- 6) Claim(s) \_\_\_\_\_ is/are objected to.
- 7) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 8) The specification is objected to by the Examiner.
- 9) The drawing(s) filed on 1 April 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 10) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 11) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

#### Contact Information

Examiner's Telephone Number: (571)272-7968  
 Examiner's Typical Work Schedule: M-F 8:00 - 4:00  
 Supervisor's Name: William C. Vaughn  
 Supervisor's Telephone Number: (571)272-3922

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/21/04</u> . | 6) <input type="checkbox"/> Other: _____  |

<b>Pre-Interview Communication</b> (For use in the First Action Interview Pilot Program)		Application No.	Applicant(s)	
		10816135	SALERNO ET AL.	
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**Notification of Rejection(s) and/or Objection(s)**

#	Claim(s)	Reference(s) (if applicable)	Rejection Statutory Basis	Brief Explanation of Rejection
1	1-3, 8-10 and 12-16		101	claim 1's limitations are all software per se. It is not conforming 35 U.S.C. 101.
2	10 and 23- 24		112 1st	Claim 10 recites the limitation of "replicate the mail document without replicating the status" is not found in applicant's original specification or claim set. It is not conforming 1 <sup>st</sup> paragraph of 35 U.S.C. 112.
3	1-3 and	U	102(b)	Claims 1, 11-12 and 17 (page 8, 2nd and 6th paragraphs, page 14, 4th paragraph: retracting e-mail; page 10, 2 <sup>nd</sup> paragraph and Fig. 3-4: fetch monitor; page 8, 6th paragraph, Fig. 3-4: fetch control; page 9, 4th paragraph: fetcher;

**Expanded Discussion/Commentary**

2		Claims 23 and 24 recite the limitations of "substituting the mail document in the mail database with a replacement mail document or with updated content" and "the replacement mail document is a substantially blank document" are not found in applicant's original specification and claim set. They do not form to 1 <sup>st</sup> paragraph of 35 U.S.C. 112.
3		last paragraph on page 8 to 1 <sup>st</sup> paragraph on page 9: retracting based upon; Fig. 4, 2 <sup>nd</sup> paragraph on page 10: reporting; 1 <sup>st</sup> paragraph on page 6: applying policy), claim 2 (page 8, 6 <sup>th</sup> paragraph, Fig. 3-4), claim 3 (Fig. 4, 2 <sup>nd</sup> paragraph on page 10), claims 8-9 (1 <sup>st</sup> and 2 <sup>nd</sup> paragraphs on page 6), claims 10 and 23-24 a (Fig. 3-4, 6 <sup>th</sup> paragraph on page 8, 1 <sup>st</sup> paragraph on page 10, 4 <sup>th</sup> paragraph on page 16), claims 13 and 18 (3 <sup>rd</sup> paragraph on page 13), claims 14 and 19 (last paragraph on page 8 to 1 <sup>st</sup> paragraph on page 9),
3		claims 15 and 20 (1 <sup>st</sup> paragraph on page 7), claims 16 and 21 (2 <sup>nd</sup> paragraph on page 16) and claim 22 (3 <sup>rd</sup> paragraph on page 14: expire and recall).

**DATE:**  
9/17/2008



Pre-Interview Communication

Part of Paper No./Mail Date